

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, March 10, 2017

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Siddoway, Vice Chairman Hagedorn, Senators Davis, Hill, Winder, Lakey, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: Senator Lodge

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Siddoway** convened the meeting of the Senate State Affairs Committee (Committee) at 8:03 a.m. and welcomed all in attendance and all those who are joining us online.

RS 25501 **Relating to Use of Force to provide that certain persons entering a habitation are presumed to be doing so with the intent of committing a felony.**

Senator Bert Brackett, District 23, representing himself as a private citizen, described a recent personal experience as the genesis of **RS 25501**. The proposed legislation amends Idaho Code § 18-4009, Justifiable Homicide, by adding an addition to subsection 4. **Senator Brackett** provided some background and reasons for initiating **RS 25501**. He explained the changes in I.C. § 18-4009.4, lines 32-34, page 1, and I.C. § 19-202A, lines 37-40, page 1 and lines 1-11, page 2, of the **RS 25501**.

Senator Stennett asked where this language originated. **Senator Brackett** said the language was developed with county prosecuting attorneys and others using the Castle Doctrine in combination with existing statute, plus case law and jury instructions.

MOTION: **Senator Davis** moved to send **RS 25501** to print. **Vice Chairman Hagedorn** seconded the motion. The motion passed by **voice vote**.

RS 25472C1 **A Concurrent Resolution stating findings and approving administrative rules that impose a fee or charge, with exceptions.**

RS 25473 **A Concurrent Resolution stating legislative findings and approving and extending temporary rules, with an exception.**

Dennis Stevenson, Administrative Rules Coordinator, stood for presentation and questions from the Committee on **RS 25472C1** and **RS 25473**.

MOTION: **Senator Davis** moved to send **RS 25472C1** and **RS 25473** to print. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT: **The Gubernatorial appointment of Jerry F. Aldape to the Idaho Endowment Fund Investment Board (IEFIB).**

Mr. Aldape received his degree in Accounting from Boise State University and has worked in the banking industry in roles that have included Chief Financial Officer to the President and CEO. He has handled investment portfolios in amounts ranging from \$10 million to \$80 million.

Senator Winder asked Mr. Aldape to speak to his background on investment structure or management involved in the banking world, along with his personal background. **Mr. Aldape** described the differences in state and banking investments and said he has handled both as an investment officer.

Chairman Siddoway asked Mr. Aldape how his nomination came about. **Mr. Aldape** said the Lieutenant Governor broached the subject during a conversation between the two of them. He added that he has met with other members of the IEFIB. He has also gone through the orientation so he understands how it comes together.

Chairman Siddoway thanked Mr. Aldape for volunteering his services and noted the vote on his appointment would be taken up at the next scheduled meeting.

SJR 103

A Senate Joint Resolution proposing an amendment to the State constitution relating to the rights of crime victims.

Senator Todd Lakey, District 12, presented **SJR 103**, which proposes an amendment to Article 1, Section 22 of the Idaho Constitution relating to the rights of crime victims. It states the question to the electorate, "Shall Section 22, Article 1, of the Constitution of the State of Idaho be amended to provide equal rights to victims of crimes including the right to notification of court proceedings, reasonable protection from the accused, and a voice in the criminal justice process?"

Senator Lakey reviewed the new language in detail, which he said is the result of a collaborative effort with victims' rights advocates, legal scholars, prosecutors, representatives from the courts and multiple attorneys. The amendment gives victims an effective voice in the criminal justice system in Idaho and protects that voice.

Questions from the Committee focused primarily on language definitions, reasonable protection for the victim, and about the victim having a voice; all of which were explained fully by **Senators Lakey** and **Davis**.

TESTIMONIES:

Paul Cassell, Law Professor, University of Utah, provided background information and testified in support of **SJR 103**. **Mr. Cassell** said Idaho is no longer in the forefront of crime victims' rights but will be again with the adoption of **SJR 103**. He explained that the Idaho amendment is part of a national movement and cited as examples California and Illinois; states that have adopted similar language.

Jayk Reynolds, a single father, testified in support of **SJR 103**. He described his experience of being confronted by an aggressive neighbor with a gun and his fear for his and his children's safety. He said he was a victim of a legal system that failed him.

Sylvia Flores, the mother of a daughter who was murdered, testified in support of **SJR 103**, relating her experience and stressing the importance of providing a victim with advanced notice of a perpetrator's parole, which she said could have saved her daughter's life.

Ashlee Burk, a mother of five whose husband was murdered, testified in support of **SJR 103**. She described the impact of not having a voice and her fear when her husband's murderer was paroled.

Aleshea Boals, Victim Witness Coordinator with the Canyon County Sheriff's office, testified in support of **SJR 103**, which she said enhances victims' rights in Idaho and adds notification for probation and parole to include family members of victims who may not otherwise have a voice in the process.

Holly Koole-Rebitarz, representing Idaho Prosecuting Attorney's Association, testified in support of the amendment. She stressed that victims deserve dignity and respect and read a statement from Jan Bennett, thanking the Legislature for "shining a spotlight on this critically important issue."

Sylvia Nixon, from Mountain Home, testified in support of the amendment as a still-traumatized victim of a 20 year old crime. She stressed the importance of providing protection at parole hearings and giving adequate notification of a perpetrator's parole.

Kathy Griesmyer, Policy Director for the American Civil Liberties Union (ACLU) of Idaho, testified in opposition to **SJR 103**, citing concerns about unintended consequences, the impact to Idaho's criminal justice system and its financial resources. She said victims of crime deserve meaningful justice that is fair, prompt and adequately resources, but that the ACLU does not feel this amendment accomplishes these goals.

Senator Winder asked if Ms. Griesmyer had examples of problems in other states, such as California, where similar protections have been adopted. **Ms. Griesmyer** did not have examples but reiterated the amendment could create significant problems.

Vice Chairman Hagedorn asked if the ACLU has done work to strengthen this part of the Constitution, and if it has problems with the current language. **Ms. Griesmyer** said the ACLU has not worked on this part of the Constitution. They have no problems with the existing language.

Senator Buckner-Webb commented on a victim's rights to be present at a parole hearing and wondered if it would act as a disincentive to parole administrators.

Senator Lakey recapped by thanking those who testified. He addressed Ms. Griesmyer's objections, and reiterated the importance of victims' rights. Responding to Senator Stennett's question relating to the fiscal note, he said fiscal impact was difficult to quantify because of the unknown number of future victims.

MOTION:

Senator Davis moved to send **SJR 103** to the floor with a **do pass** recommendation. **Senator Hill** seconded the motion.

Senator Davis related his own experience following the murder of his son and said while he feels the bill is not perfect, he has confidence it will be rewritten in the future by his successors.

Vice Chairman Hagedorn said he felt the legislation is appropriate and timely and trusts Idaho's Constitution will be reviewed on a regular basis to ensure it reflects what is believed to be right at the time.

Senator Winder asked for a **roll call** vote. **Senators Hagedorn, Davis, Hill, Winder, Lakey, Stennett, Buckner-Webb** and **Chairman Siddoway** voted aye; Senator Lodge being absent and excused.

ADJOURNED:

Senator Siddoway thanked all who came to testify and, there being no further business at this time, he adjourned the meeting at 10:05 a.m.

Senator Hagedorn
Vice Chair

Twyla Melton, Secretary

Jeanne' Clayton